

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH AND SUPERVISOR ZEV YAROSLAVSKY November 25, 2008

ALTERNATIVES TO LANDFILLING FEE (ATL)

The Los Angeles City Council's Ad Hoc Committee on Recovering Energy, Natural Resources and Economic Benefit from Waste for Los Angeles is recommending the implementation of an "Alternatives to Landfilling Fee (ATL) of \$3.00 per ton on all solid waste disposed of at Sunshine Canyon Landfill. The Landfill is located partly within the City of Los Angeles and partly within County unincorporated territory.

On November 12, 2008, our Board approved a Revenue Allocation Memorandum of Understanding (MOU) between Browning Ferris Industries (BFI), operator of the Sunshine Canyon Landfill, the City and the County. This MOU, developed through extensive negotiations between City and County representatives, is based upon a requirement in the 2007 County Conditional Use Permit ("CUP") for the Sunshine Canyon Landfill. The CUP requires the adoption of an MOU in order for the City and County sides of the Sunshine Canyon Landfill to be merged and operated as a single combined landfill. Even though this MOU specifically relates to both City and County revenues associated with the Sunshine Canyon Landfill, the City did not include the proposed ATL fee in the MOU negotiations.

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The proposed ATL fee presents a number of legal, fiscal, and equity issues impacting our unincorporated communities and cities (other than the City of Los Angeles) that dispose of waste at the Sunshine Canyon Landfill. These issues include the City's proposal to impose the fee without having it attached as a condition to a land use or other approval; the imposition of a fee by the Los Angeles City Council that will effectively be paid only by residents of unincorporated communities and other cities but will only benefit the City of Los Angeles; the amount of the fee, which adds approximately \$2.10 per ton of fees upon waste disposed of at the Landfill; and, according to City staff reports, the use of ATL fee revenue to reimburse the City for its own payment of the ATL fee as well as for County CUP fee requirements that benefit the community surrounding the Landfill, which is predominantly within the City's boundaries. County staff should analyze these issues adequately in order for our Board to make an informed policy decision and advise the Los Angeles City Council of our position on the proposed ATL fee.

I, THEREFORE, MOVE that THE BOARD OF SUPERVISORS:

1. Direct the Chief Executive Officer, County Counsel, and the Departments of Public Works and Regional Planning to review the City's proposed ATL fee and
2. Report back to our Board on December 2, 2008 with a report on the legal, financial and equity issues raised by the proposed fee with a recommended policy position for the Board of Supervisors to communicate to the City Council and Mayor of the City of Los Angeles.

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MDA:pnb

s/ motions/ alternativetolandfillingfee